

1 at this time where we would ever need that information.

2 That's the way it went. He said I try to keep all
3 accounting as much on the same way because it's too
4 confusing for everyone. That's the way we did it.

5 MR. ROMNEY: Thank you, Your Honor.

6 BY MR. ROMNEY:

7 Q Now, is there a way, ma'am, that if, for example,
8 someone wanted to determine the revenue and expenses for say
9 Jim Sumpter's repeater at the Allen site that that could be
10 generated; that that information could be generated with the
11 records that are kept?

12 A Yes. We have on our page that we bill it shows,
13 you know, what repeater it is by code. It tells what code,
14 you know, that is. There's a code for each one of these
15 repeaters. There is a code for that, and on our book it's
16 got the code.

17 Our books has is it Dallas, Fort Worth or Allen,
18 and there's like one, two, three and four, numbers. They're
19 numbers. So we could say that this particular repeater
20 generated this much because it had this much use in Dallas,
21 this much use in Allen, this much use in Fort Worth. It
22 does -- you could do that if you wanted to.

23 Q How would you do that?

24 A Well, we know what we charge per month per unit,
25 and we know --

1 Q When you say unit, are you talking repeater?

2 A Mobile.

3 Q Mobile?

4 A Mobile is the way our billing is is per mobile.
5 You're billed per mobile. Like I say, \$15 per mobile.

6 Q Okay.

7 A Okay. Our system was specifically Dallas, Fort
8 Worth and Allen. We considered Dallas to be the primary,
9 Fort Worth secondary, Allen is third. Allen is not as
10 important as far as we was concerned in revenue generation
11 because most people wanted Dallas, and they would take Allen
12 because it gave them more coverage. They would take Fort
13 Worth because it gave them coverage that way, and that's the
14 way they looked at it.

15 Our focal point was Dallas is your primary, Fort
16 Worth is your secondary, Allen is your third, and we would
17 offer them, you know, say it was \$15. Okay. \$10 for
18 Dallas. \$15 is the base rate. We're not going to charge
19 you anything less than \$15, but if you want Allen and if you
20 want Fort Worth we will give it to you for \$2 or \$3 per
21 site. \$3 for Fort Worth, \$2 for Allen.

22 That's the way we broke it down because, like I
23 said, most people used Dallas. The only time they used
24 Allen was just generating the extra coverage.

25 Q So if push came to shove, somebody could find out

1 what each repeater at the Allen site has as far as revenues
2 and expenses?

3 A Yes, sir. Expenses I know.

4 Q Do you have any understanding, ma'am, as to
5 whether any of the repeaters up in the Allen site have ever
6 had a positive cash flow?

7 A No, sir, they have not.

8 JUDGE STEINBERG: Okay. The preface to your
9 question was do you know, and the answer was no. The answer
10 could have been interpreted as no, I don't know, when I
11 don't think that is the answer that --

12 MR. ROMNEY: That is correct, Your Honor.

13 BY MR. ROMNEY:

14 Q Do you know whether they have ever had a positive
15 cash flow? Yes or no?

16 A No.

17 Q You don't know?

18 A No. No, they have not.

19 Q You do know that they have had had a positive cash
20 flow?

21 A Yes.

22 Q Is that correct?

23 A That's correct. I do know it has not made any
24 money. As a matter of fact, my accountant tells me that
25 it's not making any money.

1 Q And it never has?

2 A Never.

3 Q It never made a profit? Is that right?

4 A No, sir.

5 Q None of those Allen repeaters have ever made a
6 profit?

7 A Yes, and he questioned me why have we kept it up.
8 I said because we need it for the competition, and we need
9 it for our customers' coverage area.

10 Q Which accountant told you it never made any money?

11 A Mr. Hill. Mr. Hill told me it didn't make any
12 money, and he told me it was -- what was his words for it?
13 What did he call it? A bleeding cow. That's what he told
14 me. I said well, I'm sorry. We don't look at it in terms
15 of that way. We look at what our customer needs.

16 JUDGE STEINBERG: You said a bleeding cow, C-O-W?

17 THE WITNESS: C-O-W.

18 BY MR. ROMNEY:

19 Q In other words, a cash cow that is bleeding?

20 A Yes.

21 Q Okay. Patricia, has it ever been your intent,
22 ma'am, to mislead anybody at the Federal Communications
23 Commission?

24 A No, sir.

25 Q Have you ever attempted to hide anything, any

1 information, from the Federal Communications Commission?

2 A No, I have not.

3 Q Have you given your testimony today based upon the
4 very best of your recollection and recall?

5 A Yes, sir, I have.

6 Q Have you been truthful in the things that you have
7 said today?

8 A Yes, sir.

9 MR. ROMNEY: I'll pass the witness, Your Honor.

10 JUDGE STEINBERG: Mr. Pedigo?

11 MR. PEDIGO: Thank you.

12 CROSS-EXAMINATION

13 BY MR. PEDIGO:

14 Q Ms. Brasher, my name is Lawson Pedigo. I am just
15 going to ask you a couple questions if I may.

16 You testified a little earlier about the salary
17 structure and that you made approximately \$120,000 a year.
18 Your recollection is that your son and your daughter-in-law
19 make that amount as well.

20 Would there be other persons who would know more
21 precise numbers about their salaries?

22 A Diane.

23 Q Okay.

24 A Diane would know even better because she does it
25 and has for the last few years done it. In fact, I asked

1 her I think the first of the year what did I make.

2 Q Do you recall if there has been a situation where
3 salary adjustments took place so that you would be the
4 highest paid person at DLB Enterprises?

5 A I mean, if they gave me a raise they didn't tell
6 me.

7 Q Okay.

8 A Like I say, it goes into my bank account, and I
9 live off of what they pay me.

10 Q I can't say that has ever happened to me.

11 Let me ask you about June, 1996. We have looked
12 at the list. We know who applications were submitted on
13 behalf of. Diane Brasher is not in that list of
14 applications.

15 A Okay.

16 Q Do you recall that?

17 A Yes.

18 Q Do you know why she wasn't on that list?

19 A No, other than it just either never occurred to us
20 or -- I don't know why she wasn't on the list.

21 Q Did Diane Brasher become involved in any
22 discussions about how to submit FCC applications?

23 A No, sir.

24 Q With regard to your son, David, when did he begin
25 to work full-time at DLB Enterprises?

1 A To tell you the year, I cannot.

2 Q If I suggested April, 1997, is that consistent
3 with your recollection?

4 A That sounds like it would probably be correct.

5 Q What discussions do you recall David participating
6 in in June of 1996 with regard to making applications to get
7 additional T-band licenses?

8 JUDGE STEINBERG: Could you say that again? I'm
9 sorry.

10 MR. PEDIGO: Yes, sir.

11 JUDGE STEINBERG: I missed it.

12 MR. PEDIGO: Let me unpack it a little.

13 BY MR. PEDIGO:

14 Q You are aware that your son has two T-band
15 licenses? Is that correct?

16 A Yes, I am.

17 Q And did you participate in any discussions with
18 David about receiving those applications, or did he just
19 talk with Ron about it?

20 A More he would have talked to my husband. As far
21 as having a discussion with me, I don't believe he did other
22 than it might have been in passing Dad's going to -- we're
23 going to apply for a license for me. There wasn't anything
24 that I can remember.

25 Q Do you recall after the T-band licenses for the

1 Allen site were approved that several of the licenses have
2 been canceled, particularly Norma Sumpter's and Melissa
3 Sumpter's?

4 A No. I didn't know that. My husband told me the
5 other day that they have, but that's all.

6 Q Okay.

7 A Two or three weeks ago or something.

8 Q So you're not familiar if there was a cancellation
9 that any customers have been lost because some of these
10 licenses have to be returned to the FCC or being canceled?

11 A No, I'm not.

12 Q Let me just return to one of my first topics. In
13 the summer of 1996, do you recall that Diane had surgery and
14 took the summer off to work on PTA issues?

15 A Yes, she did. She had surgery, and she was not
16 working at that time.

17 Q Okay.

18 A She did -- like I said, she didn't come back on a
19 permanent basis. She just kind of worked when she was
20 needed.

21 Q Okay.

22 A I was there all the time, so she wasn't pertinent.

23 Q Do you remember the approximate time frame when
24 she would have returned to work?

25 A If she returned to work, it would have been late

1 fall, you know, after school started and she got -- that
2 would have been to the best of my knowledge and remembering.

3 MR. PEDIGO: No further questions, Your Honor.

4 JUDGE STEINBERG: Redirect, Mr. Kellett?

5 MR. KNOWLES-KELLETT: Just a couple.

6 REDIRECT EXAMINATION

7 BY MR. KNOWLES-KELLETT:

8 Q In the discussion you just had about Norma and
9 Melissa's being canceled, I think there was previous
10 discussion that Norma and Melissa's stations were turned
11 off.

12 In your mind is that the same thing, or are you
13 talking about canceled with the Commission?

14 A I didn't know that they had been turned off. I'll
15 be honest with you.

16 Q Okay. Did you know anything about them being
17 canceled?

18 A Like I said, I think there was a discussion that
19 they were, but I don't --

20 Q You don't know the details?

21 A No. I don't know the details.

22 Q Okay. Revisiting the salary stuff that he was
23 discussing, do you recall what the salaries were for DLB
24 officers in say 1996-1997, sometime before Ron retired?

25 A No, sir, I can't. Like I said, Diane would have

1 done the payroll. I mean, even when she was on medical
2 leave she would come in or she would do the payroll at home.
3 The only thing I would do would hand out checks at the
4 office she would give to me.

5 My payroll has always been automatically deposited
6 to my account, and all I know was what went into my account
7 until the end of the year.

8 Q Do you know --

9 A I never questioned theirs.

10 Q I think you testified earlier that the pot is now
11 split three ways, the three officers. Before Mr. Ronald
12 Brasher retired, was it split four ways?

13 A Yes, sir.

14 Q Okay. Okay. When did Mr. Hill tell you Allen is
15 a bleeding cow?

16 A He has mentioned several times that there is
17 something not --

18 Q I'm not asking --

19 A It specifically was I would say back in maybe
20 January. I don't know. January or sometime or another.

21 Q Fairly recently?

22 A Yes, it was recently.

23 JUDGE STEINBERG: So it would have been January of
24 this year?

25 THE WITNESS: This year. This year, sir.

1 BY MR. KNOWLES-KELLETT:

2 Q So in the summer of 1996 when Diane had her
3 surgery, what duties did she continue to perform for DLB?

4 A Mostly doing the payroll because she did it on the
5 computer, and she could do it at home.

6 Q Okay. Was she involved in decision making at all?

7 A Well, Diane and I discussed most everything, you
8 know, that she and I do that concerns us. Yes, we do that.
9 I would discuss something with her. She would discuss
10 something with me. That can be a day to day basis, or it
11 can be --

12 Q Okay. Just so the record is clear, she still
13 participated in helping you make DLB type decisions, not
14 just general discussion?

15 A That is correct.

16 MR. KNOWLES-KELLETT: Okay. Can we take a one
17 minute break, Your Honor?

18 JUDGE STEINBERG: Sure. We'll go off the record.
19 (Whereupon, a short recess was taken.)

20 BY MR. KNOWLES-KELLETT:

21 Q Okay. I think you just testified that you needed
22 the Allen site for the coverage and the competition. Is
23 your market fiercely competitive?

24 A Yes, sir. Yes, sir. I'm afraid so.

25 MR. KNOWLES-KELLETT: That's it.

1 MR. ROMNEY: Your Honor, if I could ask just one
2 line of questions? It's not within the scope necessarily of
3 redirect, but --

4 JUDGE STEINBERG: You'll be given another
5 opportunity if you need it.

6 RE-CROSS-EXAMINATION

7 BY MR. ROMNEY:

8 Q In your discussions and in your planning, ma'am,
9 in 1995 for the T-band system, did you have any
10 understanding that making an application on behalf of Jim
11 Sumpter, Norma Sumpter, Melissa Sumpter, Jennifer Hill,
12 Carolyn Sue Lutz, that any of that was illegal?

13 A No, sir, I did not.

14 Q Did you ever tell anybody that what was being done
15 there in making those applications in those individuals'
16 names for that T-band system was illegal?

17 A No, sir.

18 MR. ROMNEY: Thank you.

19 JUDGE STEINBERG: Mr. Pedigo?

20 RE-CROSS-EXAMINATION

21 BY MR. PEDIGO:

22 Q I just want to clarify on the T-band analysis. Is
23 it your testimony that Diane Brasher was not involved in
24 that part of the decision making?

25 A I don't understand that.

1 JUDGE STEINBERG: Yes. Why don't you just ask?
2 Instead of telling, ask. You know what I mean.

3 BY MR. PEDIGO:

4 Q In the summer of 1996, you said Diane kept some of
5 her duties. Is that correct?

6 A Yes. Yes, she did.

7 Q And her duties, were they primarily officer
8 manager and administrative in nature?

9 A They were mostly when she was off ill it was to do
10 the payroll, and if we had had any -- you know, if I needed
11 any input in regards to change of office personnel, yes, she
12 and I would have discussed it because she was not going to
13 be off permanent. She was coming back.

14 Q And so when you say that she continued her
15 involvement in 1996, your answer is with regard to her
16 administrative and office manager duties?

17 A Yes.

18 JUDGE STEINBERG: Okay. Last round.

19 THE WITNESS: Last chance, guys.

20 FURTHER REDIRECT EXAMINATION

21 BY MR. KNOWLES-KELLETT:

22 Q So do you remember talking to her about expanding
23 the T-band system up at Allen?

24 A Diane?

25 Q Yes.

1 A Specifically, no, I don't remember talking to her.

2 Q Do you remember not talking to her?

3 A No, I don't remember that either. I don't. You
4 know, expanding was the topic of our conversations a lot.
5 Specifically having one directly with Diane? I do not
6 remember doing that. That's the best I can answer that
7 question.

8 Q Okay. So would you say it's likely that she was
9 at least there during some of the discussion?

10 A Yes, sir. I would think that she would have been
11 privileged to that information.

12 MR. KNOWLES-KELLETT: Nothing further.

13 MR. ROMNEY: Nothing further, Your Honor.

14 MR. PEDIGO: No, Your Honor.

15 JUDGE STEINBERG: Okay. Thank you very much. You
16 are excused. Thank you for testifying. You can go back if
17 you want to. I mean, the witness room is so nice. I don't
18 see why you wouldn't want to stay in there.

19 THE WITNESS: I was taking some good naps in
20 there.

21 MS. LANCASTER: She was reading regulation books
22 yesterday.

23 THE WITNESS: I was. I was reading the
24 regulations.

25 JUDGE STEINBERG: What they ought to do is move

1 those chairs up to my office because there is nothing in my
2 office comfortable enough to nap on.

3 Okay. We'll be in recess until 9:00 a.m. tomorrow
4 morning.

5 (Whereupon, at 3:58 p.m. the hearing in the
6 above-entitled matter was recessed, to reconvene at
7 9:00 a.m. on Friday, March 2, 2001.)

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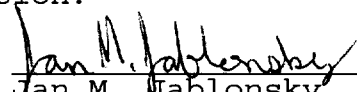
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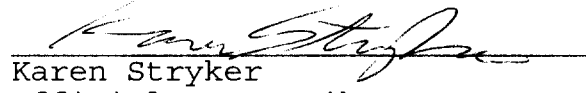
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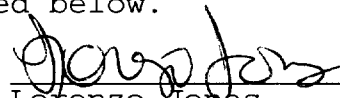
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